PETITION FOR ZONING VICIANCE 94-170-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A01.3.B.3. to permit side yard setbacks of 24 and __21 instead of the required 35 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) To permit sideyard variances of 24 feet and 21 feet for an existing dwelling in lieu of required 35 feet in an RC-2 Zone in order that the lot may be subdivided in the future. NW12F Distaicte 💆 Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirms. II under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): Barry J. Ash (Type or Print Name) Sem Well City and State Attorney for Petitioner: 10700 Park Heights Avenue 484-4131 (Type or Print Name) Owings Mills, MD 21117 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted W.T. Sadler - Surveyors City and State Name 507 Main Street Reisterstown, MD 21136 526-5618 ORDERED By The Zoning Commissioner of Baltimore County, this ____ 8th ____ day of November 1983, at the subject matter of this petition be advertised, as required by the Zoming Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ______ 10th ____ day of __January ____, 19_84_, at 10:30 o'clock

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204 HARRY J. PISTEL, P. E.

December 5, 1983

Mr. Armold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Item #108 (1983-1984) Property Owner: Barry J. & Irene Ash W/S Park Heights Ave., 624.52' S. from centerline Velvet Valley Way Acres: 2.701 District: 3rd

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject

DIRECTOR

Park Heights Avenue (Md. 129) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (+emporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner. RE: PETITION FOR VARIANCES 10700 Park Heights Avenue, 3rd District

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

BARRY J. ASH, et ux, Petitioners: Case No. 84-170-A

ORDER TO ENTER APPEARANCE

.

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or and Order in connection therewith.

Peter Max Vinnerum Peter Max Zimmerman Deputy People's Counsel

John W. Dessian, III John W. Hessian, [1] People's Counsel for Baltimore County Rm. 223, Court House Towson, Maryland 21204

I HEREBY CERTIFY that on this 16th day of December, 1983, a copy of the foregoing Order was mailed to Mr. and Mrs. Barry J. Ash, 10700 Park Heights Avenue, Owings Mills, MD 21117, Petitioners; and W. T. Sadler - Surveyors, 507 Main Street, Reisterstown, MD 21136.

Item #108 (1983-1984) Property Owner: Barry J. & Irene Ash December 5, 1983

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property, which is within the Baltimore County Metropolitan District and beyond the Comprehensive Metropolitan Facilities Planning Area. Baltimore County Water Supply and Sewerage Plans W and S-16A, as amended through January 1982, indicate "No Planned Service" in the area.

Post A. MORTON, P.E., Chief

RAM: EAM: FWR: SS

T-SE Key Sheet 45 NW 22 Pos. Sheet NW 12 F Topo 59 Tax Map

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE December 30, 1983

Mr. & Mrs. Barry J. Ash 10700 Park Heights Avenue COUNTY OFFICE BLDG.

Owings Mills, Maryland 21117

Nicholas B. Commodar

Department of

Mealth Department Project Planning Building Department Board of Education

RE: Item NO. 108 - Case No. 84-170-A Petitioner - Barry J. Ash, et ux Variance Petition

Dear Mr. & Mrs. Ash:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the approtateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be filing on the hearing file. This petition was accepted for hearing scheduled accordingly.

NICHOLAS B. COMMODARI

Zoning Plans Advisory Committee

Enclosures

NBC:bsc

cc: W. T. Sadler 507 Main Street Reisterstown, Md. 21136

Maryland Department of Transportation

Lowell K. Bridwell

M. S. Caltrider

November 9, 1983

Mr. Arnold Jablon Zoning Commissioner County Office Bldg. Towson, Maryland 21204

State Highway Administration

Attention: Mr. N. Commodari

Re: ZAC Meeting of 11-8-83 ITEM: #108. Property Owner: Barry J. & Irene Ash Location: W/S Park Heights Ave. (Route 129) 624.52 south from centerline Velvet Valley Way Existing Zoning: R.C. 2 Proposed Zoning: Variance to permit side yard setbacks of 24' & 21' in lieu of the required 35'. Acres: 2.701

District: 3rd

Dear Mr. Jablon:

On review of the site plan of October 11, 1983, the State Highway Administration finds the plan generally acceptable.

It is requested that the future highway widening (future 80' R/W) be dedicated to the State Highway Administration at "no cost" to the Administration.

Very truly yours,

Charl B Charles Lee, Chief Bureau of Engineering Access Permits

CL:GN:vrd

cc: Mr. J. Ogle Mr. G. Benson By: George Wittman

My telephone number is (301) 659-1350 Teletypewriter for Irrigaired Hearing or Speech 383-7555 Baltimore Metro — 585-0451 L.C. Metro — 1-800-492-5082 Statewide Toll Free P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS DIRECTOR

December 21, 1983

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Item No. 106 & 108/ -ZAC- Meeting of November 8, 1983 Property Owner Location: Existing Zoning: Proposed Zoning:

Acres: District:

Dear Mr. Jablon:

The Department of Traffic Engineering has not comments for item numbers 106 and 108.

Traffic Engineering Assoc. I

JUN 20 mag

appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will no adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of ______, 19____, that the herein Petition for Variance(s) to permit

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Nicholas Commodari. Zoning Department Date November 11, 1983 FROM C. E. Burnham, Building Plans Review Chief C & B SUBJECT__Zoning Advisory Committee Meeting Meeting of 11/8/83

ITEM #106 ITEM #107

ITEM #108

No Comment See Comments

No Comment

ITEM #42 Revised

Dec. 3, 1933

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Zoning Item # 108 , Zoning Advisory Committee Meeting of Vov. 8, 1933

Property Owner: Bany J. + Irene Ash

Location: W/S Park Height Avenue District 3

Water Supply _____ private______ Sewage Disposal __private_____ COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

() Prior to new installation/s of fuel bung equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain require-

ments for such installation/s before work begins.

() A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts

into the atmosphere. A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

() If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

() Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.

() Soil percolation tests have been conducted. The results are valid until

Revised plans must be submitted prior to approval of the percolation

 () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
 () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until is not acceptable and must be retested. This must be accomplished

prior to conveyance of property or approval of Building Permit

() All roads and parking areas should be surfaced with a dustless, bonding material.

() No health hazards are anticipated.

(1) Others This residence is sensed by a private water Well And sewage disposal system, both of which appear to be functioning satisfactorily. Prior to approval of a Building Permit for any additional latter soil percolation tests must be conducted and a well meeting the minimum Baltimore County Code standards mur be drilled.

If submission of plans to the County Review Group it required, a Hydrogeological Study and An Environmental Effects report must be submitted.

> an V. Formest, Director BUREAU OF ENVIRONMENTAL SERVICES

> > BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 84-170-A

SS 20 1080 (2)

BALTIMORE COUNTY FIRE DEPARTMENT TOWSON, MARYLAND 21204 825-7310

PAUL H. REINCKE CHIEF

November 29, 1983

Mr. William Hammond **Commissioner** Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Barry J. & Irene Ash

Location: W/S Park Heights Avenue 624.52' S. from centerline Velvet Valley Way
Item No.: 108 Zoning Agenda: Meeting of November 8, 1983

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

6x) 3. The vehicle dead end condition shown at dead end condition at future lot #2 exceeds 300' allowed. standard cul-de-sac required.

EXCEEDS the maximum allowed by the Fire Department.

• (* 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: One Toly 11-74-13 Approved:

* Roadway or drive shall be a minimum width of 16 feet and support 50,000 lbs. fire apparatus.

BALTIMORE COUNTY PUBLIC SCHOOLS

The above items have no bearing on student population.

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: November 4, 1983

Wm. Nick Petrovich. Assistant

Department of Planning

Mr. Arnold Jablon Zoning Commissioner Baltimore County Office Building 1111 West Chesapeake Avenue Towson, Maryland 21204

Z.A.C. Meeting of: November 8, 1983

RE: Item No: 106; 107/10 Property Owner: Location: Present Zoning: Proposed Zoning:

> District: No. Acres:

Dear Mr. Jablon:

IN RE: PETITION FOR VARIANCE 10700 Park Heights Avenue 3rd Election District Barry J. Ash, et ux, Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit side yard setbacks of 24 feet and 21 feet instead of the required 35 feet. The purpose of their request is to allow for future subdivision of the property owned by them into 2 lots, as is more fully described on Petitioners' Exhibit 1.

The Petitioner, Barry Ash, appeared and testified. Mr. W.T. Sadler, their surveyor, testified as did Samuel Glazer, their builder.

Testimony indicated that the property is zoned R.C.2. The Petitioners purchased the property on or about 1978 and thereupon had a house built by Mr. Glazer, which had a side yard setback of 24 feet to the southern property line, and a 41 foot side yard setback to the northern property line. As a result of later rezoning into a R.C.2 Zone, the 24 foot setback became nonconforming. The Petitioners wish, in the future, to subdivide the property into lots, as shown on their Exhibit 1, and allow for access to a pandandle from Park Heights Avenue, as is also shown. This panhandle will be 20 feet wide as is required by the subdivision requirements, and thereby reducing the side yard setback from 41 feet to 21 feet. If this variance was not to be granted, the Petitioners would be unable to divide property into 2 lots, which would otherwise meet all of the requisite zoning regulations, including density. The panhandle will also provide access to "future lot 1", although ownership of the access road will vest with "future lot 2", and an easement guaranteed to lot 1.

The Petitioners seek relief from Section 1A01.3.B.3, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioners and their property would cause practical difficulty. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

> 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

> 2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

> 3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were to be granted, such use as proposed would not be contrary to the spirit of the regulations and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonble hardship would result if the instant variances were not to be granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORTERED by the Zoning Commissioner of Baltimore County, this _____day of January, 1984, that the Petition for Variances to permit side yard setbacks of 24 feet and 21 feet instead of the required 35 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the

> 1. No building permit can be issued until such time as the Petitioners comply with all subdivision requirements and a subdivision plat is recorded.

following restriction:

DALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204

ARNOLD JABLON ZONING COMMISSIONER

January 5, 1984

Mr. W.T. Sadler 507 Main Street Reisterstown, Maryland 21136

> RE: Petition for Variance 10700 Park Heights Avenue 3rd Election District Barry J. Ash, et ux - Petitioners NO. 84-170-A (Item No. 108)

Dear Mr. Sadler:

This is to confirm our conversation of this date rescheduling the above captioned matter from 10:30 a.m. to 1:30 p.m. on January 10, 1984.

Very truly yours,

anold Jablon (mc) ARNOLD JABLON Zoning Commissioner

cc: Mr. and Mrs. Barry J. Ash 10700 Park Heights Avenue Owings Mills, Maryland 21117



DESCRIPTION TO ACCOMPANY PETITION FOR SIDEYARD VARIANCES FOR AN EXISTING DWELLING IN A FUTURE SUBDIVISION LOCATION: \$10700 PARK HEIGHTS AVENUE

BALTIMORE COUNTY, MARYLAND 3rd ELECTION DISTRICT

DATE: OCTOBER 17, 1983 DESCRIPTION:

Beginning for the same at a point in the bed of Park Heights Avenue, future 80 foot right-of-way, at the distance of 624.52 feet from the center line of Velvet Valley Way, 50 foot right-of-way, running thence the eight following courses

South 05 degrees 13 minutes 30 seconds West 72.38 feet,

North 73 degrees 30 minutes 20 seconds West 164.46 feet,

North 70 degrees 44 minutes 20 seconds West 104.00 feet,

South 15 degrees 50 minutes 06 seconds West 90.68 feet, North 74 degrees 09 minutes 54 seconds West 146.81 feet,

South 05 degrees 13 minutes 30 seconds West 150.00 feet,

North 74 degrees 09 minutes 54 seconds West 255.09 feet,

North 08 degrees 11 minutes 50 seconds East 305.51 feet and

South 74 degrees 01 minutes 20 seconds East 669.80 feet to the place of beginning.

Containing 2.701 acres of land, more or less.

Being all that parcel of land that was conveyed to Barry J. Ash and wife by a deed recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K. Jr. 5954, folio 787.

NOTE: This description has been prepared for zoning purposes only from plats and other records and does not represent a field survey.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold . Tablon

Zoning cumissioner December 28, 1983

Norman E. Gerber, Director Office of Planning and Zoning

Barry J. Ash, et ux 84-170-A SUBJECT.

This office offers no comment on the requested variance. Please note, however, that a subdivision plat must be recorded before any building permits can be approved.

Director of Planning and Zoning

NEG:JGH:cav

PETITION FOR VARIANCES

3rd Election District

Petition for Variances ZONING:

LOCATION: 10700 Park Heights Avenue Tuesday, January 10, 1984 at 10:30 A.M. DATE & TIME:

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake

and Regulations of Baltimore County, will hold a public hearing:

Avenue, Towson, Maryland The Zoning Commissioner of Baltimore County, by authority of the Zoning Act

Petition for Variances to permit side yard setbacks of 24 ft. and 21 ft. instead of the required 35 ft.

Being the property of Barry J. Ash, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON ZONING COMMISSIONER

January 13, 1984

Mr. and Mrs. Barry J. Ash 10700 Park Heights Avenue Owings Mills, Maryland 21117

> RE: Petition for Variances 10700 Park Heights Avenue - 3rd Election District Barry J. Ash, et ux - Petitioners NO. 84-170-A (Item No. 108)

Dear Mr. and Mrs. Ash:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Zoning Commissioner

Very truly yours,

AJ/mc

cc: Mr. W.T. Sadler 507 Main Street Reisterstown, Maryland 21136 Mr. Samuel Glazer

3325 Northmount Road Baltimore, Maryland 21207 People's Counsel

December 13, 1983

Mr. & Mrs. Barry J. Ash 10700 Park Heights Avenue Owings Mills, Maryland 21117

> NOTICE OF HEARING Re: Petition for Variances 10700 Park Heights Avenue Barry J. Ash, et un - Petitioners Case No. 84-170-A

TIME: 10:30 A.M. DATE: Tuesday, January 10, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

cc: W. T. Sadler, Surveyors 507 Main Street Reisterstown, Maryland 21136

> Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

No. 122919

ACCOUNT 12-01-615 600

8 D28*****3500:D 9265A

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON ZONING COMMISSIONER

January 4, 1984

Mr. & Mrs. Barry J. Ash 10700 Park Heights Avenue Owings Mills, Maryland 21117

> Re: Petition for Variances 10700 Park Heights Avenue Case No. 84-170-A

Dear Mr. & Mrs. Ash:

This is to advise you that \$43.30 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

ARNOLD JABLON

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

No. 124068

ATE__1/10/84

CCUNT____R-01-615-000 AMOUNT \$43.30

RESERVED Samuel Glazer Advertising & Posting Case #84-170-A (Barry J. Ash, et ux)

